

**REMARKS/ARGUMENTS**

Claims 1 through 20 are presently pending. In an office action mailed February 25, 2004 (Paper No. 5), claim 17 stands rejected under 35 U.S.C. 102(e) as being anticipated by Kim (USPN 6,681,120). Claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Kim in view of Monroe (US2002/0065076). Claim 2 stands rejected under 35 U.S.C. 103 over Kim in view of Monroe and Hoffbeck et al (USPN 6,445,686). Claim 3 stands rejected under 35 U.S.C. 103 over Kim in view of Monroe and Jokomies et al (USPN 6,661,674). Claims 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Monroe and Rostoker et al (USPN 5,784,572). Claims 8 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Kim. Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Kim and Matsuzaki et al (USPN 6,533,672). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Kim and Jokomies. Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Kim and Hoffbeck. Claims 14-16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Kim and Rostoker. Claim 18 stands rejected under 35 U.S.C. 103 as being unpatentable over Kim in view of Jokomies. Claim 19 stands rejected under 35 U.S.C. 103 as being unpatentable over Kim in view of Hoffbeck. Claim 20 stands rejected under 35 U.S.C. 103 as being unpatentable over Kim in view of Rostoker. These rejections are respectfully traversed.

**Rejection under 35 U.S.C. 102 and 103**

All rejections under 35 U.S.C. 102 and 103 are based on Kim and/or Monroe. In regards to Kim, and it is asserted, such as in regards to claim 17, that Kim discloses "the audio data and the video data can be received over a same communications channel in a single transmission system," citing to col. 1, line 47 – col. 2, line 2. However, while the cited section of Kim discloses that the device of Kim can play a file of audiovisual data received over the Internet, claim 17 relates to the *transmission* of audiovisual data from a device. For example, claim 17 includes a "system for processing audio data and video data in a wireless handset comprising: an audio data processor receiving audio data and processing the audio data to generate audio service data; a video data processor receiving video data and processing the video data to generate video

data; a video data processor receiving video data and processing the video data to generate video service data; a controller coupled to the audio data processor and the video data processor, the controller receiving the audio service data and the video service data and generating video control data therefrom; and wherein the audio data and the video data can be received over a  
5 same communications channel in a single transmission system.” Thus, the audio data and video data are processed in a wireless handset to create audio service data and video service data that are used to generate video control data. In contrast, Kim only disclose the receipt of audiovisual data in file format over the Internet, and utterly fails to disclose the generation of audio service data and video service data that are used to generate video control data. As such, the cited  
10 section of Kim fails to anticipate the invention of claim 17, as Kim relates only to *receiving* a file of audiovisual data and not to *generating* audio service data and video service data, such as for use in the generation of video control data for controlling a video data processor.

Likewise, in regards to claim 1 it is alleged that Monroe discloses “the processor giving processing priority to one of the digitally encoded audio data and the digitally encoded image  
15 data” at paragraph 0059. The only priority selection disclosed in Monroe is at Figs 2B-2D and the accompanying text, where priority is only given to the selection of *data transmission channels*, and not to the *processing* of audio data or video data that is to be transmitted over the data channels. As such, neither Kim nor Monroe discloses “a processor coupled to the audio sampler and the digital imager and receiving the digitally encoded audio data and the digitally  
20 encoded image data, the processor giving processing priority to one of the digitally encoded audio data and the digitally encoded image data.” Similarly, in regards to claim 8, it is stated that Monroe discloses at paragraph 0048 that “one system may have priority over another for data transmission because of reliability issues,” and that one type of data transmission that is supported is that of digital images. However, the asserted disclosure of Monroe is not relevant to  
25 claim 8, which discloses “processing audio data before processing video data if the priority designator is for audio data; processing video data before audio data if the priority designator is for video data.” It is clear in Monroe that the priority selection is not a priority for data *processing* based on audio or video data, but rather the selection of a *data transmission system priority*, and only based on the availability of various data transmission systems. For example,  
30 Monroe states at paragraph 0043 that “FIG. 2B shows a generic flow diagram for selecting a

*prioritized transmission system* based on either preprogrammed priority parameters, or on operator input." Monroe further elaborates at paragraph 0045 that "if security is the primary criterium [sic], then the priority system would be of highest security. If cost is the major issue, then the first priority would be to the lowest cost transmission alternative." As such, Monroe  
5 utterly fails to disclose or suggest that priority can be given to processing one form of data over another – the only priority that is even remotely disclosed is to assign priority to transmission channels, such as based on cost or security, neither of which require explicitly or implicitly any priority allocation of processing of audio and video data.

10 Claims 2 through 7 depend from claim 1, claims 9 through 16 depend from claim 8, and claims 18 through 20 depend from claim 17, and each are allowable because they depend from an allowable base claim and add additional limitations that are not found in the prior art. Withdrawal of the rejections and allowance of all pending claims is respectfully requested.

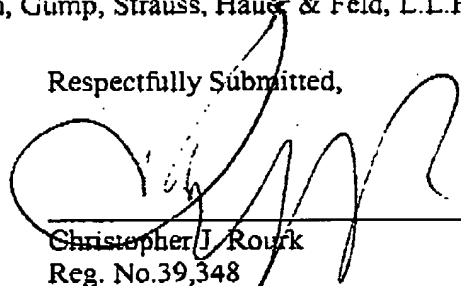
**CONCLUSION**

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowance are courteously solicited.

- 5 A two-month response to the final rejection was due on April 25, 2004, which fell on a Sunday. As such, this request for reconsideration is timely filed on April 26, and an advisory action is requested no later than May 25, 2004, so that a decision can be made whether to appeal the rejection of the claims. If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 969-4669
- 10 is hereby requested so that such impediments may be resolved as expeditiously as possible.

No additional fee is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

Respectfully Submitted,



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